

MINUTES OF BOARD MEETING

Thursday, January 19, 9:00 a.m. to 12:08 p.m.
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive
Palm Desert, CA 92260

CALL TO ORDER

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Nancy Wright at 9:00 a.m. on January 19, 2017, in Brawley, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members only)

Buford Crites, Thomas Davis, Hidali Garcia, Edward Muzik, Jayne Powell, Lars Seifert, and Nancy Wright were present.

The Board Clerk stated that a quorum was present.

Ms. Wright introduced and welcomed Regional Board members.

Regional Water Board Counsel: Adriana Nuñez

State Water Board Liaison: Frances Spivy-Weber

Regional Board Staff Present:

Jose Angel, Frank Gonzalez, Mary Castaneda, Kai Dunn, Hilda Vasquez, Doug Wylie, Jose Cortez, Jose Figueroa-Acevedo, Maribel Jernegan, Jeong-Hee Lim, Robert Perdue

Others Present:

Lori Okun, Office of Chief Counsel
Debbie Salas, Niland Sanitary District
Jenifer Hudson, Niland Sanitary District
Victoria Corre, Niland Sanitary District
Dennis Morita, Niland Sanitary District
Ivory Reyburn, CVWD
Sam Couchman, City of Brawley
Lillian Garcia
Kay Pricola, COLAB
Rosanna Bayon-Moore, City of Brawley
Phillip Jackson, Salton Sea Authority
Chris Elliott, USMC
John Lormon, OWB Counsel
Eric Brandt, OWB
Humberto Lugo, EJ Task Force

area, proposed provision to have standby power generators at the facility, how the OWB personnel involved with the operation and maintenance of the BioFiltro system are supposed to be and are actually familiar with the proposed WDRs, and the need to submit monthly monitoring reports on the 15th day of the month following the reporting period for the month.

Mr. Crites asked how quickly staff can respond to complaints from the public. Mr. Angel stated that within 15 minutes of receipt of a complaint. He added that staff would respond to and document whether the facility is the source of objectionable odors and follow up accordingly; and the complainant should receive an answer within the same day of the complaint. He added that he directed staff to also evaluate whether nearby [feedlots] are also sources of objectionable odors in the area.

Eric Brandt explained that OWB has been working diligently to buy the beef plant and bring it back online. He stated the beef plant has hired 195 employees, paid over \$1.7 million in wages, and existing wastewater treatment system is working in compliance with current Board requirements. He added that the proposed BioFiltro system should further improve the wastewater [for reuse], has hired a Grade III Wastewater Operator, and designated a Community Liaison [to deal with public concerns about odors from the facility].

Luis Olmedo stated that he was against how previous operators for this industry caused significant economic impacts, discomfort for the community, and costs to the City that are still being paid. He stated that the Regional Water Board has not lived up to its name in dealing with past plant owners. He added that he has to trust that there will be oversight on the facility operations and that Mr. Brandt will run an exemplary operation.

Supervisor Kelley welcomed the Board to his District and expressed support for the proposed project and urged the Board to allow the project to move forward.

Mr. Lugo stated that he was with IVAN, that he provided Mr. Brandt with a letter stating that the [proposed operation] is done in a sustainable and environmentally friendly way and co-exist with the community.

Mr. Hernandez thanked the Board for coming to Brawley and listening to the community's concerns, including expansion of the beef industry without [proper oversight] and health problems due to air and water quality contamination.

Ms. Dale also welcomed the Board to Brawley and commended the Brandt family for their research to improve the [beef plant], the environment, and the community. She added the Valley took an economic hit when the plant closed a few years ago and that the Imperial County Farm Bureau was in support of the proposed project.

Mr. Lormon, on behalf of OWB, thanked the Regional Water Board staff for their efforts and that the proposed system has environmental and economic benefits. He said he was concerned about having to [submit the monthly monitoring report] on the 15th day of the following month because delays in getting lab results, but other than he did not have comments or objections.

Mr. Angel thanked the community members for expressing their concerns and stated the Regional Water Board staff intends to enforce the Board orders and directives for this facility pro-actively and maintain the Board and the community informed about the site. He asked for a 5-minute recess to recommend additional clarifying language in the proposed permit to address Ms. Powell's and Mr. Seifert's concerns regarding precipitation events and time

extension for submittal of the Irrigation Management Plan. Following the recess, Ms. Nunez read the additional proposed changes to deal with those two issues.

MOTION: Ed Muzik moved, Jayne Powell seconded, Hidali Garcia abstained, and the motion was carried to adopt Order R7-2017-0001 with Errata and changes read by Ms. Nunez.

RESCISSION

4. R7-2017-0004 Rescission of Waste Discharge Requirements R7-2015-0035 for United States Marine Corps (USMC), Marine Corps Air Ground Combat Center, Natural Resources/Environmental Affairs Division, Fire Fighting Training Facility
[Robert Perdue, P.G.]

MOTION: Buford Crites moved, Jayne Powell seconded, and the motion was carried unanimously to adopt Order R7-2017-0004.

CEASE AND DESIST ORDER

5. R7-2017-0002 Rescission of Cease and Desist Order R7-2008-0008 for City of Brawley, Owner/Operator Municipal Wastewater Treatment Plant and Wastewater Collection and Disposal Systems, Imperial County
[Jeong-Hee Lim, PhD, P.E.]

Ms. Moore thanked the Board for considering the recession of the Order. She added that the City was in full compliance with it, the Board staff has closely monitored City actions, the City has undertaken a transparent effort to implement the Board's directives, and welcomed the Board's review of the City's remaining [fine] settlement obligation of \$266,666.

Mr. Olmedo expressed support for the City's position and asked the Board whether any of the remaining settlement amounts can come back to the community.

Mr. Angel stated that the bottom line of the staff report on this item was that the City was in full compliance with Board orders and that the Board already approved the [terms of the] settlement. He recommended the Board rescind the Cease and Desist Order and adopt the errata for the Item.

MOTION: Tom Davis moved, Jayne Powell seconded, and the motion was carried unanimously to adopt Order R7-2017-0002 with Errata changes.

ADMINISTRATIVE CIVIL LIABILITY ORDER

6. R7-2017-0005 Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R7-2017-0005 in the Matter of Niland Sanitary District Wastewater Treatment Plant Niland, Imperial County
[Maribel Jernegan, SEA]

The Prosecution Team and the Discharger requested to have Item No. 6 withdrawn from the Agenda because financial assurances had not yet been granted to Niland Sanitary District. Item was pulled for future consideration.

OTHER BUSINESS

7. Informational Update: New River
 - a. New River Improvement Project (Calexico Phase 1)
 - b. New River Pollution from Mexico*[Frank Gonzalez, P.E.; Jose L. Angel, P.E.]*

Frank Gonzalez provided a brief update on the New River Improvement Project. He stated that on 12/7/16, Secretary Rodriguez, staff from the State Water Board, staff from Department of Water Resources (DWR), and he met to discuss the proposed scope of work prepared by DWR to design the projects recommended in the New River Improvement Project Strategic Plan for the New River in Calexico. He added that he sent all existing engineering data to DWR, which includes surveys, property owner's information, CEQA and NEPA documents for the Calexico river parkway, and location of utilities in the project area. He concluded that DWR will prepare a new proposed scope of work based on this information. If the new proposal is accepted, an Interagency Agreement will be drafted so that DWR can proceed with the work.

Mr. Angel reported that fixing the dilapidated sewage infrastructure in Mexicali is going to cost \$70 million to \$80 million. He suggested the Board request a policy meeting with the US members of the Binational Technical Committee so that the problem is addressed with a sense of urgency. He also stated that there is a critical need for additional operation and maintenance (O&M) equipment for the sewage collection system. He added that the Board was recently notified that a 36-inch sewage collector collapsed in Mexicali and was bypassing approximately 5 million gallons of raw sewage into the New River. In response to Board members questions, he stated the state has a very good working relationship with Mexico, that there is no financial assistance for O&M, but that whatever financial assistance is provided by the US to Mexico it should be contingent on proper O&M.

8. Informational Update: Salton Sea Management Program
[Phil Johnson, Asst. Executive Director Salton Sea Authority, Jeff Geraci, ES]

Mr. Johnson reported about the resources allocated for the Salton Sea Management Program, including:

- \$80.2 million in the state budget for several shovel-ready projects;
- \$14 million from the State Wildlife Conservation Board to accelerate implementation of projects by DWR;
- \$7.2 million that the Authority got from the National Resource Conservation Service for projects on private land to address air and water quality problems contributing to the Sea's problem; and
- Federal legislation that potentially appropriates another \$30 million for the Salton Sea

He mentioned that the goal is to have 25,000 acres of wildlife habitat as part of the Salton Sea Management Program. He also reported on state legislation that expedites implementation of the projects, that the State has developed a 10-year plan for the

Salton Sea Management Program, and that the focus of the current phase of the plan is creation of habitat and mitigation of air emissions from exposed playa. A consultant will be hired to design key projects; the state will issue a design-build contract for the projects, and will be updating its hydrologic model for the Salton Sea.

In response to Mr. Davis, Mr. Johnson said that \$60 million for shovel-ready projects and about \$20 million for administrative costs. He added that in total there are approximately \$130 million. Mr. Davis pointed out that the original estimate [to restore the Sea] was about \$3 billion and questioned whether the Sea would be any better in ten years.

Mr. Crites asked what is the state going to do about the New River problems and whether the state had finally accepted financial responsibility for the Sea. Mr. Johnson said that he did not know what the state would do about the New River and that everyone working on the Sea problems recognizes that the state has some financial liabilities. Mr. Angel stated that he briefed Mr. Wilcox about the New River problems.

Ms. Garcia asked whether there are systems in place that would measure the effectiveness of the projects. Mr. Johnson said there are. She also expressed concerns about the amount of money being spent bureaucratically as part of the Management Program.

Supervisor Kelley pointed out that the state was responsible for mitigating anything above the \$36 million that was built in the Quantification Settlement Agreement (QSA), but that the monies mentioned from the Conservation Board and the federal legislation were not new monies [as they have been previously obligated]. Mr. Davis stated that he believes the projects are not going anywhere and the state [has not complied with the QSA as restoration of the Sea was concerned]. Supervisor Kelley agreed.

Ms. Wright pointed out that Regional Water Board staff was concerned about proposed wetlands as part of the Management Program because they bioaccumulate pollutants. Mr. Angel added that the sooner the Natural Resources Agency comes up with the actual amount of water that is going to be available to the Sea the sooner they would be dealing with [good] implementable projects, particularly for the south end of the Sea.

Mr. Olmedo pointed out that his organization is working with the local, state, and federal agencies, including the South Coast Air Quality Management District to use air quality data it collects and install additional air quality monitoring station to assess Salton Sea [air quality] impacts. He added that [his organization] has been actively participating at the [State Water Board Salton Sea workshops], is working with Mr. Wilcox on community engagement. Further, he stated that it is important to assist disadvantaged communities increase their institutional capacity so they can compete for grants and other resources and that the [Salton Sea Management Program] should also focus on public health, not just wildlife habitat.

Mr. Crites thanked the Imperial County Supervisors for pushing the state and others to accept their responsibilities. Ms. Wright thanked the County and the IID for working together on the problem.

9. Informational Update: State Water Resources Control Board Activities
[Adriana Nuñez, Frances Spivy-Weber]

Frances Spivy-Weber reported that her term has come to an end, and that she may serve an additional two months or until the Governor appoints someone new. She welcomed Mr. Seifert to the Regional Water Board. With the importance of drinking water, she

recommended the Board invite the new head of the Drinking Water Program, Darrin Polhemus. She also reported that the Governor appointed Martha Guzman-Aceves to the California Public Utilities Commission and it would be also good to touch basis with her because she is very interested in the Salton Sea and the New River projects.

She pointed out that while the budget does not include additional money for the Salton Sea, there is funding [from the previous budget] for all of the projects that can be implemented for the Sea for the next 3-4 years. She mentioned that she believes the actual amount of water flowing into the Sea is going to be approximately 500,000 acre feet per year. She recommended the Board continue to request project updates from Mr. Wilcox and through letters also ask the federal government for resources to deal with the New River.

She stated the State water Board will be working on two major policies in the upcoming months, including a Climate Change resolution in February and another one that would focus on safe and affordable drinking water for small communities. She added that schools would also have an opportunity to test for lead in their drinking water if they choose to at no cost to the schools.

Mr. Davis asked whether communities with Chromium 6 problems can apply for funding to address the problem. She stated that the funds are not set up yet.

Ms. Wright presented Ms. Spivy-Weber with a Regional Water Board Resolution, which thanks her for her service as a State Water Board member, being liaison between the Regional Water Board and the State Water Board, and all of her efforts and assistance to the region to phase out septic systems and address the Salton Sea problems. Mr. Angel also thanked Ms. Spivy-Weber on behalf of the Regional Water Board staff. Ms. Spivy-Weber thanked the Regional Water Board and its staff as well.

10. Colorado River Basin Water Board Executive Officer's Report
[Jose L. Angel, P.E.]

Mr. Angel reported that he would be phasing in a monthly written report in lieu of the Board meeting report. He also informed the Board about an upcoming February 8 and 9, 2017, workshops for the Coachella Valley Agricultural Waiver. The workshop will be held at the Coachella Valley Water District main office in Coachella. He also reported that the office was restarting its outreach and education efforts for K-12 schools and that staff members Ms. Rosalyn Fleming and Mr. Jeff Geraci volunteered to lead this effort. He stated that the next all-staff meeting was scheduled for January 26, 2017, and concluded his report by informing the Board that he represented the Board in a workgroup formed by CalEPA and that met in Sacramento on January 8th to discuss and address solid wastes problems along the Border.

11. Colorado River Basin Water Board Member Comments

Ed Muzik reported that construction has started in Yucca Valley on installing the collection system, and anticipates the plant will start construction sometime this summer. He also complimented the staff for doing a fine job.

Mr. Davis questioned whether there were new [legal procedures] for Regional Water Board hearing. Ms., Nunez stated that there were no new procedures and that swearing in people who would be testifying at a hearing was a standard procedure for adjudicative hearings.

Ms. Garcia thanked the staff for making provisions to have one of the Coachella Valley Agricultural waiver workshops in Spanish.

Mr. Seifert stated that he was looking forward to participating in the Board's proceedings and also thanked the staff for the informational meeting that it held in Brawley on January 4 regarding the proposed permit for One World Beef.

Mr. Crites also thanked Mr. Spivy-Weber and Mr. Johnson for being at the meeting.

12. Colorado River Basin Water Board Chair's Report

Ms. Wright also welcomed Mr. Seifert to the Regional Water Board.

13. Election of Regional Water Board Chair and Vice Chair for Calendar Year 2017

Ed Muzik nominated Nancy Wright for Board Chair for Calendar Year 2017, Buford Crites seconded. Ed also nominated Buford Crites for Board Vice-Chair, and Jayne Powell seconded. All agreed and voted in favor of the election of Nancy and Buford as Regional Board Chair and Vice-Chair for Calendar Year 2017.

CLOSED SESSION

- 14.** At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee [Authority: Government Code Section 11126(a)]; to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

There was no closed session.

ADJOURNMENT OF BOARD MEETING

Meeting adjourned at 12:08 p.m.

NEXT BOARD MEETING: 10:00 a.m., March 9, 2017, Needles, CA.

